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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,339	08/28/2003	Martin Novil	03-0019	6840

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FREUDENBERG-NOK GENERAL PARTNERSHIP
LEGAL DEPARTMENT
47690 EAST ANCHOR COURT
PLYMOUTH, MI 48170-2455

EXAMINER

PATEL, VISHAL A

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/650,339	Applicant(s) NOVIL ET AL.	
	Examiner Vishal Patel	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-9, 11-24, 26-27, 30-37, 39, 42-51, 53, 56-65, 67-68 and 69-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Zerfass et al (US. 6,343,795).

Zerfass discloses a gasket having a relatively rigid carrier (12') having first and second laterally extending sides defining a longitudinal thickness (thickness of 12'), the carrier having at least one gasket opening (openings similar to 10) there through, a resilient sealing material (22' and 24') substantially more flexible than the carrier and being disposed on at least portions of the laterally extending sides of the carrier, a longitudinally flexible inner sealing portion (inner portion 18a' adjacent to the opening and having the resilient sealing material) that is substantially defining the periphery of the gasket opening, the inner sealing portion being longitudinally offset relative to the remainder of the carrier (this is the case since the inner portion is a bead portion of 18a' as seen in figure attached), the inner sealing portion being offset in a longitudinal direction (the inner portion is offset), the inner sealing portion having the resilient sealing material disposed on at least portions of its laterally extending sides (see attached figure 3), a longitudinally flexible outer stopper portion (stopper 18a' that is out side of the longitudinal

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flexible inner sealing portion) of the carrier spaced laterally away from the gasket opening and disposed laterally outward relative to the inner sealing portion, the flexible outer stopper portion and the inner sealing portion being in close proximity with each other and in close lateral proximity with the same the gasket opening (the opening, the inner sealing portion and the stopper are in close lateral proximity), the flexible stopper being convex on one side and concave on the opposite side of the one side (the stopper 18a' has a convex portion at top of and concave at bottom) and the flexible stopper being less flexible than the inner sealing portion (that is the case since the inner sealing portion has a height that is less than the stopper portion as seen in attached figure 3) to limit the amount of longitudinal compression of the inner sealing portion. The improved gasket is capable of being clamped between two mating surfaces.

The inner sealing portion is longitudinally offset to an extent greater than the extend of the longitudinal convexity of the flexible stopper portion (this is the case since the inner portion is the very distal end of the 18a').

The flexible stopper has the resilient sealing material disposed within and at least partially filling its concave side.

The flexible stopper has the resilient sealing material disposed on at least portions of its laterally extending sides.

The flexible stopper portion has an additional amount of the resilient sealing material disposed within and at least partially filling the concave side (amount of coating being more under the flexible stopper portion 18a').

The rigid carrier is a single layer carrier and is metallic.

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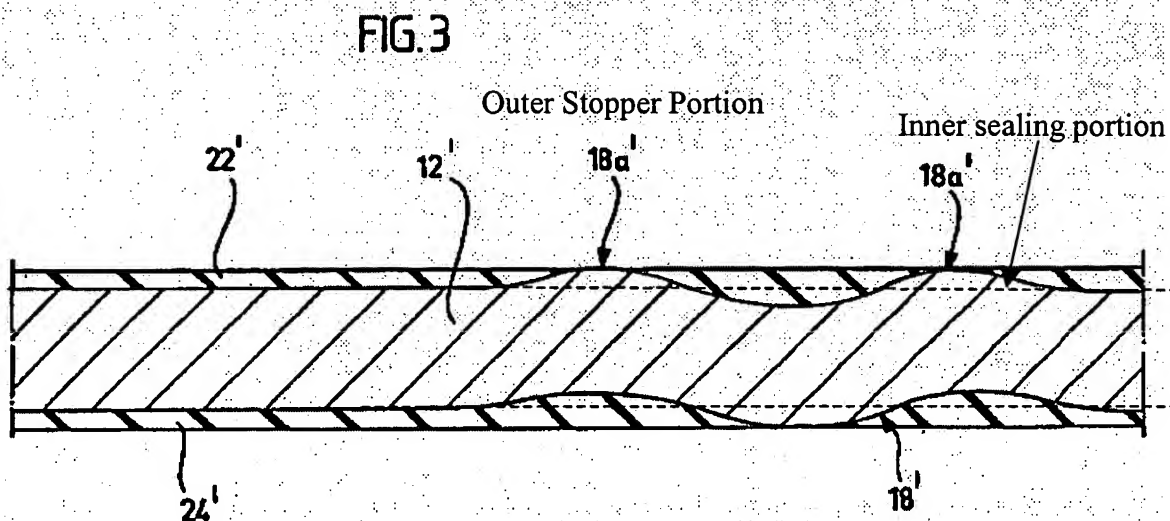
The resilient sealing material is a rubber containing material, elastomer containing material and covers substantially all of the laterally extending sides of the carrier.

The resilient sealing material is adjacent at least portions of the carrier.

Regarding the limitation "screen-printed", this is a process limitation and is given little patentable weight in an apparatus claim.

Regarding limitation to intended use: The gasket is capable of being used in an environment as claimed by applicant (between cylinder head and cylinder block or gaseous fluid conveying device or pipe flanges or manifold flanges or an interior enclosure and an exterior enclosure or mating surfaces of members or intermittently mated surfaces of members).

The inner sealing portion and the flexible outer stopper portion each extend around a majority of the gasket opening



Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zerfass in view of Abe et al (US. 6,070,882).

Zerfass discloses the invention substantially as claimed above but fails to disclose that the carrier is formed of steel or synthetic material. Abe discloses that a metal gasket is made of either steel or synthetic material (column 5, lines 35-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the carrier of Zerfass to be made of either steel or synthetic material as taught by Abe, since having a carrier plate be made of metal or steel or synthetic material is considered to be art equivalent. Furthermore choosing a material due to the environment that is seal by the material is well know to one skilled in the art.

5. Claims 25, 38, 52 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zerfass in view of Stritzke (US. 5,267,740).

Zerfass discloses the invention substantially as claimed above but fails to disclose that the carrier is formed into portions and adjacent portions are bridged by the resilient sealing material. Stritzke discloses a gasket having a metal plate having resilient sealing material (material having beads 52 and 54, figures 7-8), the resilient sealing material is placed on the metal plate and a bridging member is placed between adjacent portion of metal portions of the plate. It would

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have been obvious to one having ordinary skill in the art at the time the invention was made to configure the carrier of Okazaki into portion and connect the portions by bridges that are formed by the resilient sealing material as taught by Stritzke, to prevent inadvertent loss of the sealing aids (column 3, lines 62-65 of Stritzke).

6. Claims 1-5, 7-9, 11-24, 26-37, 39-43, 45-51, 53-57, 59-65 and 67-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada et al (Us. 5,690,343).

Takada (figure 11) discloses an improved gasket having a carrier having a longitudinally flexible inner sealing portion (4) around an opening (A), the carrier being formed of metallic material that is steel, a longitudinal flexible outer stopper (16 on an outer side of the sealing portion 4), the inner sealing portion and the flexible outer stopper portion each extend around a majority of the gasket opening, the stopper portion having a convex portion and a concave portion, the inner sealing portion is longitudinally offset to an extent greater than the extent of longitudinal convexity of the flexible outer stopper portion and the inner sealing portion has a lateral dimension greater than the lateral dimension of the flexible outer stopper portion (column 9). Takada fails to disclose a coating of rubber on both sides of the carrier plates but in an embodiment shown in figure 4 and discussed in column 10 the carrier has a rubber coating on both sides. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the gasket of figure 11 to have rubber coating on substantially a length of both sides of the carrier as taught by Takada in column 10 and figure 4, to prevent metal to metal contact (column 10).

7. Claims 1-9, 11-24, 26-37, 39-51, 53-57, 59-65 and 67-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada in view of Zerfass.

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Takada discloses the invention substantially as claimed above but fails to disclose that the embodiment of figure 11 having coating that is covered on the carrier and an additional amount of the coating is in a convex portion of the stopper. Zerfass disclose in figure to have a carrier that is covered by an elastomeric material on both side of the carrier and an additional amount of the coating is in a convex portion of a stopper (elastomeric material under 18a). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the carrier of Takada to have a coating as taught by Zerfass to provide enhance sealing and improved carrier (see Zerfass column 5-6).

Response to Arguments

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
July 25, 2006

A handwritten signature in black ink, appearing to read 'Vishal Patel', is written over a faint, circular official stamp.

Vishal Patel
Primary Examiner
Tech. Center 3600